

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

Steve L. Demars,)	
)	
Plaintiff,)	
)	
V.)	Case No. 10-3432-CV-S-JTM
)	
Michael J. Astrue,)	
)	
Defendant.)	

ORDER

On March 31, 2011, this Court ordered plaintiff to show cause [Doc. 4] why this matter should not be dismissed for failure to exhaust administrative remedies as set forth in defendant's motion to dismiss [Doc. 3]. In response to the show cause order, plaintiff filed a motion to dismiss without prejudice on April 7, 2011 [Doc. 5]. Defendant filed no response to plaintiff's motion to dismiss without prejudice. Accordingly, it is

ORDERED that this matter is **DISMISSED WITHOUT PREJUDICE**, each party to bear their own costs and fees.

 /s/ John T. Maughmer
JOHN T. MAUGHMER
U. S. MAGISTRATE JUDGE